



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
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March 31, 2015

To: The Honorable Angus L.K. McKelvey, Chair,
The Honorable Justin H. Woodson, Vice Chair, and
Members of the House Committee on Consumer Protection & Commerce

Date: Wednesday, April 01, 2015
Time: 2:30 p.m.
Place: Conference Room 325, State Capitol

From: Elaine N. Young, Acting Director
Department of Labor and Industrial Relations (DLIR)

**Re: H.R. No. 7 H.D. 1 Authorizing the Formation of a Task Force to Study the
Issue of a Cancer Presumptive Statute Relating to Firefighters**

I. OVERVIEW OF PROPOSED HOUSE CONCURRENT RESOLUTION

H.R. No. 7 H.D. 1 proposes to convene a Firefighter Cancer Presumptive Task Force to develop recommendations for the enactment of a cancer presumptive statute relating to firefighters. The Task Force is to provide a report of its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016.

The Department supports the intent of the resolution.

II. CURRENT LAW

Section 386-3, HRS, defines injury and provides that the employee's employer shall pay compensation to the employee or the employee's dependents as provided in chapter 386 if an employee suffers personal injury either by accident arising out of and in the course of the employment, or by disease proximately caused by or resulting from the nature of the employment.

Section 386-85, HRS, provides that there is a presumption that a claim for compensation is for a covered work injury. Section 386-85, HRS, provides that in any proceeding for the enforcement of a claim for compensation under this

chapter, it shall be presumed, in the absence of substantial evidence to the contrary:

- (1) That the claim is for a covered work injury;
- (2) That sufficient notice of such injury has been given;
- (3) That the injury was not caused by the intoxication of the injured employee;
and
- (4) That the injury was not caused by the willful intention of the injured employee to injure oneself or another.

III. COMMENTS ON THE HOUSE CONCURRENT RESOLUTION

The department supports the intent of the resolution, and the Administrator of the Disability Compensation Division looks forward to serving on the Task Force to provide input to proposed revisions to the Workers' Compensation statute.

DAVID IGE
GOVERNOR



Elaine Young
Acting Director

SHAN TSUTSUI
LIEUTENANT GOVERNOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 31, 2015

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chair McKelvey:

Subject: House Concurrent Resolution (HCR) 7, House Draft (HD) 1 Authorizing the Formation
of a Task Force to Study the Issue of a Cancer Presumptive Statute Relating to
Firefighters

I am Manuel P. Neves, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire
Department (HFD). The SFC and the HFD support HCR 7, HD 1.

This concurrent resolution proposes to form a Firefighter Cancer Presumptive Task Force to
develop recommendations for enactment of a cancer presumptive statute relating specifically to
fire fighters. We believe that task force members can provide valuable information and a
greater understanding of various related issues. This information can be used to formulate
recommendations for statutory changes, improvements to fire department safety procedures,
and statewide comparisons of cancer victims from the general population to fire fighters.

The SFC and the HFD strongly urge your committee's passage of HCR 7, HD 1.

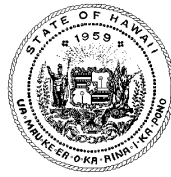
Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105
or sbratakos@honolulu.gov.

Sincerely,

MANUEL P. NEVES
Chair

MPN/LR:clc

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

RANDY BALDEMOR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 30, 2015

**TESTIMONY TO THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

For Hearing on Wednesday, April 1, 2015
2:30 p.m., Conference Room 325

BY

JAMES K. NISHIMOTO
DIRECTOR

**House Concurrent Resolution No. 7, H.D. 1
Authorizing the Formation of a Task Force
to Study the Issue of a Cancer Presumptive Statute
Relating to Firefighters**

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON ANGUS McKELVEY AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide comments on H.C.R. 7, H.D. 1.

H.C.R. 7, H.D. 1, would authorize the formation of a task force to study the issue of a cancer presumptive statute relating to firefighters.

The Department of Human Resources Development (DHRD) has a fiduciary duty to administer the State's self-insured workers' compensation program and its expenditure of public funds. In that regard, DHRD respectfully submits these comments on the resolution.

First, as a public employer which is self-insured and self-administered for its workers' compensation liabilities, including those for firefighters employed by the State Department of Transportation, Airports Division, the State has a clear and substantial interest in the analyses and recommendations of the putative task force, including but not limited to: 1) revisions to the workers' compensation statutes to expedite the award

of workers' compensation benefits for firefighters who are diagnosed with cancer; 2) an estimate of the cost to the State and counties of workers' compensation benefits for firefighters who are diagnosed with cancer; and 3) recommendations on changes to a fire department's administrative rules to improve workers' compensation benefits for firefighters who are diagnosed with cancer. Since the resolution as presently constituted does not include the State, we respectfully suggest that the enumerated list of task force members in the resolutions be amended as follows to expressly include the State as a member: "The Director of the Department of Human Resources Development, or the Director's designee."

Second, in light of the apparently strong interest in having a cancer presumption specific to firefighters in the workers' compensation law—as proposed in S.B. 675, H.D. 2 and other bills—we believe having a task force of stakeholders to first study the issue and make the appropriate recommendations—would be a prudent course before any changes are made to the existing statute and administrative rules.

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

March 31, 2015

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawai'i 96813

Dear Chair McKelvey:

Subject: House Concurrent Resolution (HCR) 7 House Draft (HD) 1 Authorizing the Formation of a Task Force to Study the Issue of a Cancer Presumptive Statute Relating to Firefighters
Hearing Date: April 1, 2015
Time/Place: Conference Room 325, 2:30 p.m.

I am Darren J. Rosario, Member of the State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD support HCR 7, HD 1.

This concurrent resolution proposes to form a Firefighter Cancer Presumptive Task Force to develop recommendations for enactment of a cancer presumptive statute relating specifically to fire fighters. We believe the task force members can provide valuable information and a greater understanding of various related issues. This can be used to formulate any recommendations for statutory changes, improvements to fire department safety procedures, and statewide comparisons of cancer victims from the general population to fire fighters.

The SFC and the HCFD strongly urge your committee's passage of HCR 7, HD 1.

Should you have questions, please me at (808) 932-2903 or fire@hawaiicounty.gov

Respectfully,

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO
Fire Chief





UNIVERSITY OF HAWAI'I SYSTEM

Legislative Testimony

Written Only Testimony

Submitted to the

House Committee on Consumer Protection and Commerce

April 1, 2015 at 2:30 pm

by

Jerris Hedges, MD, MS, MMM

Dean, John A. Burns School of Medicine

Interim Director, University of Hawai'i Cancer Center

University of Hawai'i at Mānoa

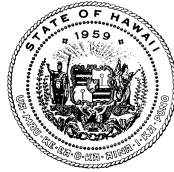
HCR 7 HD1 – AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS

Chair McKelvey, Vice Chair Woodson, and Members of the Committee:

The University of Hawai'i provides the following comments regarding this resolution.

The UH Cancer Center's mission is to reduce the burden of cancer through research, education, and patient care with an emphasis on the unique ethnic, cultural, and environmental characteristics of Hawai'i and the Pacific. We are one of only 68 institutions in the United States that hold the prestigious National Cancer Institute (NCI) designation, and the only NCI-designated center in the Pacific. The NCI designation provides greater access to federal funding and research opportunities, and gives the people of Hawai'i and the Pacific region access to innovative and potentially life-saving clinical trials without the necessity of traveling to the mainland.

Our perspective on health-related legislative matters is informed by scientific literature, including research conducted by our own faculty. While we have not yet formed an opinion on whether a cancer-presumptive law for firefighters should be enacted in Hawai'i, we appreciate the opportunity to participate in the proposed task force.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HCR0007, HD1
AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF
A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS**

REPRESENTATIVE ANGUS L.K. McKELVEY, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: April 1, 2015 Room Number: 325

Fiscal Implications: None.

Department Testimony: Firefighters are potentially exposed to various mixtures of particulates, gases, mists, and fumes of an organic and/or inorganic nature that may have acute, toxic and carcinogenic effects. There are nearly 2,000 state and county firefighters in nearly 100 fire stations throughout Hawaii, and for some, the long-term health consequences of workplace exposure to harmful toxicants may only become apparent after retirement. With the mounting literature and evidence of the potential increased risk inherent in the nature of employment for firefighters, the Department of Health supports the intent of HCR0007, HD1, and is willing to participate in a proposed Firefighter Cancer Presumptive Task Force to develop the recommendations for the enactment of a Cancer presumptive statute.

Thank you for the opportunity to testify.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

LATE

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

April 1, 2015

The Honorable Angus L.K. McKelvey, Chair
and Members of the Committee
on Consumer Protection & Commerce
The House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members of the Committee:

SUBJECT: House Concurrent Resolution No. 7, H.D. 1
Relating to Firefighters

The purpose of House Concurrent Resolution No. 7, H.D. 1, is to have the necessary stakeholders convene a Firefighter Cancer Presumptive Task Force to develop recommendations for the enactment of a cancer presumptive statute relating to firefighters. The City and County of Honolulu, Department of Human Resources supports the resolution and looks forward to serving on the Task Force.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, reading "Carolee C. Kubo".

Carolee C. Kubo
Director

cc: Mayor's Office

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 8:30 PM
To: CPCtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HCR7 on Apr 1, 2015 14:30PM*

LATE

HCR7

Submitted on: 3/31/2015

Testimony for CPC on Apr 1, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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